

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
April 1, 2021

Name of Offender: Mikaela Cuevas

Case Number: 2:19CR00321

Name of Sentencing Judicial Officer: Honorable Camille D. Bibles

Date of Original Sentence: November 1, 2019

Original Offense: Assault on a Federal Law Enforcement Officer

Original Sentence: 36 Months probation

Date Supervision Commenced: November 1, 2019

Date Jurisdiction Transferred to District of Nevada: December 17, 2019

Name of Assigned Judicial Officer: Honorable Andrew P. Gordon

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. **Alcohol Abuse Treatment** – You must participate in an outpatient alcohol abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
2. **Substance Abuse Treatment** – You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
3. **Drug Testing** – You must submit to substance abuse testing to determine if you have used a prohibited substance. *Testing shall not exceed 104 tests per year.* You must not attempt to obstruct or tamper with the testing methods.

RE: Mikaela Cuevas

Prob12B
D/NV Form
Rev. June 2014

4. **No Alcohol** – You must not use or possess alcohol.
5. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 120 days, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program.

GPS Monitoring (including hybrid GPS).

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community (choose one):

You are restricted to your residence every day from 9:00 p.m. to 6:00 a.m., or as directed by the probation officer.

CAUSE

Cuevas was sentenced to 36 months' probation on November 1, 2019 in the District of Arizona for a Class A offense. The Court was notified previously of Cuevas being arrested for assault with a deadly weapon, failure to appear for a traffic violation, and receiving a citation for signaling after a lane change. The assault charge was dismissed, and no action was requested to be taken by the Court.

On March 18, 2021, Cuevas was contacted by Las Vegas Metropolitan Police Department (LVMPD) officers at 2:10 a.m. when a vehicle was seen driving approximately five miles per hour and came to a complete stop in the traffic lane at Lake Mead Boulevard and Castleberry Lane in Las Vegas, Nevada. As the officer approached in their vehicle, the vehicle in question turned into a driveway that led to a closed fence. A vehicle stop was made in the driveway and the female driver, later identified as Cuevas was speaking on her cellular telephone to a female who Cuevas claimed to be her mother. Cuevas was informed of the reason for the traffic stop and she informed the officer that she needed her mother to pick her up. The female on the phone asked where to pick her up and Cuevas said, "right here" twice. The officer observed that Cuevas pants were extremely wet between her legs as if she had urinated on herself. Cuevas was asked for her driver's license and she provided the officer a Visa debit card, then looked in her purse again, attempted to open her wallet which was already open, During the contact the officer smelled the odor of alcohol coming from inside the vehicle. Cuevas was instructed to remove the keys from the vehicle and when she attempted to exit her vehicle, she was told to stand in front of the patrol vehicle. Cuevas kept repeating herself "I just want to go home." When Cuevas exited her vehicle, it was noted her gait was unsteady and she "walked carefully" to the front of the patrol vehicle. The officer noticed when she exited her vehicle the smell of an alcoholic beverage increased from her person.

Cuevas was given standardized field sobriety tests at 2:26 a.m. and performed poorly. Cuevas admitted to the officer that she had consumed "one tequila mixed drink" at approximately 9:00

RE: Mikaela Cuevas

Prob12B
D/NV Form
Rev. June 2014

p.m. to 11:00 p.m. After Cuevas failed the field sobriety tests, she was arrested for Driving Under the Influence and Drive with Suspended License and Display Suspended Plate. An open bottle of Pineapple Malibu was found on the passenger floorboard of Cuevas vehicle after he arrest. Cuevas consented to a blood sample for testing at the Clark County Detention Center. The results of the test are still pending, as well as the state charges.

On April 1, 2021, Cuevas was seen by the undersigned officer at the United States Probation Office. Cuevas verbally admitted that on the date of the arrest she had been at a house party where she consumed two Sangria Wine Coolers, two tequila and Squirt mixed drinks, and two shots of tequila before she made the poor decision to drive home from the party. She also admitted verbally that she used cocaine on the night of the incident and has been smoking marijuana daily since being on probation. Cuevas still has not completed her boater's safety course ordered when she was sentenced to probation but advised that when the undersigned officer called her to report two days ago, she signed up to take the online class, which costs less than \$50. She also failed to report the new arrest until April 1, 2021. She advised she consumes alcohol weekly and to intoxication once a month. She reported she blacked out on the night of the DUI arrest.

The originating Court of jurisdiction in the instant offense waived drug testing as a condition. There were also no treatment related conditions in place to address any such issues. Cuevas, who is 22 years old, with a newborn infant and one young child, reports she has never received any form of substance abuse or alcohol abuse treatment. Because of this, it is respectfully recommended that the above conditions be added so she can receive treatment for these issues that are now known to the probation office. The curfew location monitoring with GPS condition for 120 days is being requested as a sanction for her arrest for DUI at this time in lieu of revocation. Cuevas has agreed to the modification of her conditions of probation as noted in the attached PROB49 that she signed.

Respectfully submitted,

Bryce D. Stark
Bryce D. Stark 2021.04.01
18:56:34 -07'00'

Bryce D. Stark
United States Probation Officer

Approved:

Benjamin Johnson Ben Johnson
2021.04.01 18:36:46
-07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

RE: Mikaela Cuevas

Prob12B
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THE COURT ORDERS

- No Action.
- The extension of supervision as noted above.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):

Signature of Judicial Officer

April 5, 2021

Date

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

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Witness



U.S. Probation Officer

Signed Mihail Weves
Probationer or Supervised Releasee

Date

4-1-2021